UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,972	12/31/1998	CHARLES KEVIN SHANK	03384.0148-0	4270

34645   7590   10/08/2003

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EXAMINER
VU, VIET DUY

ART UNIT	PAPER NUMBER
2154	17

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/223,972	Applicant(s) Shank et al
	Examiner Viet Vu	Art Unit 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _Sep 15, 2003_ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

  (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

  (b) ☐ they raise the issue of new matter (see NOTE below);

  (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

  NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see attached paper.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the ~~proposed amendment~~ *arguments*(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: *none*

  Claim(s) objected to: *none*

  Claim(s) rejected: *1-12*

  Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

U. S. Patent and Trademark Office
PTO-303 (Rev. 04-01)   Advisory Action   Part of Paper No. 17

Response to Amendment:

1. Applicant's arguments filed on 10/15/03 with respect to claims 1-12 are not deemed persuasive.

Applicant alleges that <u>Newman</u> does not teach "an interface to computer telephony resource" because <u>Newman</u>'s client interface is only used to run tests on the network components, not for accessing the resource.

This is not found persuasive. Running a test on a network resource component (e.g., call router) is in fact a particular operation of accessing the resource because one must have access to the resource in order for performing a test on the resource. The fact that other operations, such as reading/modifying resource's parameters, could also be used under accessing the resource operation does not exclude any particular application such as testing. Since running tests on the resource is within the scope of "accessing the resource", <u>Newman</u>'s teaching is seen meeting the claim limitation.

Per claims 7, 8, it is network components including switch/router, voice response unit submitted that, <u>Newman</u>'s testing application is applicable to many and fax processing unit (<u>see col 10, line 60 - col 11, line 8 and col 12, line 38-56</u>).

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
10/2/03

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